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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/587,525	06/05/2000	Gerald Isaac Kestenbaum	RM003	7398

7590

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EXAMINER

VIG, NARESH

ART UNIT

PAPER NUMBER

3629

DATE MAILED: 09/24/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/587,525

Applicant(s)

KESTENBAUM, GERALD ISAAC

Examiner

Naresh Vig

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 Juned 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 - 32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 - 32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

Claims 28 is objected to because of the following informalities: Claims 28 is an apparatus claim which is dependant on a system claim 26. Claim 26 is a method claim. Examiner interprets claim 28 as a method claim dependant on claim 26. Appropriate correction is required.

Claim Rejections - 35 USC § 102

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

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Claims 1, 3, 5 – 7, 9 – 13, 15, 17, 21 – 23, 26 – 28, 31 are rejected under 35 U.S.C. 102(e) as being unpatentable over Gale et al. US Patent 6,334,107.

Regarding claims 1, 21 – 22, 24 and 26 Gale et al. discloses a method and apparatus for managing a real estate unit from a remote location. The method includes the steps of accessing a server from a remote location through a website of the server and downloading a set of options regarding the managing of the rental unit from the website to the remote location. The method further includes the steps of selecting at least one of the options, uploading the selected option from the remote location to the server and executing the uploaded selected option by the server (abstract). A real estate unit may include residential or commercial rental units or rental storage space. A real estate unit may also be a condominium unit, building or any facility for which the real estate manager performs maintenance management services for the owner (, col. 2, lines 49 – 54).

Apparatus for managing a real estate unit from a remote location comprises means for accessing a server from a remote location through a website of the server; means for downloading a set of options regarding the managing of day-to-day operations directly related to use by a renter of the rental unit from the website to the remote location; means for selecting options; means for uploading the selected option from the remote location to the server; means for executing the uploaded selected option by the server (col. 1, lines 11 – 24); modem for transmission of data between a

designated financial institution and the server; memory for storing the information (col. 14, lines 37 – 43).

CPU may receive and process information about the real estate unit from a local terminal, a financial institution, or a real estate manager working through a remote user terminal (the manager and terminal hereinafter sometimes together referred to as a "manager"). The CPU is provided with a set of software programs that when executed by the CPU function as a server (the programs and CPU hereinafter sometimes together referred to as server, col. 2, lines 37 – 48).

Regarding claim 3, Gale et al. discloses use of database (col. 1, lines 15 – 21). In addition, Gale et al discloses that data processed by the CPU may be stored in any of a number of files. For example, maintenance information may be stored in a set of management files. Rental payments received from tenants on real estate units may be stored in a set of accounts receivable files. Payments to vendors, mortgage holders or employees may be stored in a set of accounts payable files. Information about cash flow, tax information, etc. may be stored in a set of financial files (col. 3, lines 26 – 36).

Regarding claims 5, 24, Gale et al. discloses that the CPU (server) provides a website which the real estate manager may access from a remote location through the

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Internet from virtually any location worldwide. Through the website, the manager may receive information and perform specific management functions (col 3, lines 1 – 7).

Regarding claims 6, Gale et al. discloses that a real estate unit may include residential or commercial rental units or rental storage space. A real estate unit may also be a condominium unit, building or any facility for which the real estate manager performs maintenance management services for the owner (, col. 2, lines 49 – 54).

Regarding claim 7, Gale et al. discloses resident's information to have the names of tenants or owners, including social security numbers, occupations, and emergency contacts. Provisions are also made to identify the presence of children, pets and automobiles kept by the occupants of the unit (col. 6, lines 52 – 57).

Regarding claim 9, Gale et al. discloses that the manager may edit the entries of the screen to apply any received dollar values to the appropriate charges.

Regarding claims 10, 15, Gale et al. discloses a field for appliances installed within the unit. A first part of the field identifies the appliance, while a second part shows

a purchase and warranty date. An identifier (ID) may be provided. A 3-month and 1-year reminder are also provided for preventive maintenance (col. 7, lines 34 – 39).

A field is provided for appliances contained within the property. The number of each type of appliance is provided as well as an indication as to whether the property owner owns the appliances or some other entity (e.g., a rental agency). An identifier is provided as to who is responsible for servicing the appliances as well as an indicator as to the contract terms under which the appliances may be serviced (col. 9, lines 6 – 13).

Regarding claim 11, Gale et al. discloses that the web page may be downloaded as a HTML file which not only functions to prompt and inform the manager, but also to facilitate the return of data and commands to the server (col. 3, lines 45 – 48).

Regarding claim 12, Gale et al. discloses notices report. The notices may provide advance notice of renters giving notice of an intent to vacate.

Regarding claim 13, Gail et al. discloses to owner information screen. Included within the owner inquiry screen is identification of the property, property address, owner(s) information, mortgage information etc. (see FIG.17).

Regarding claim 17, Gale et al. discloses that the manager may also access a user support feature to obtain help in solving system problems by a local programmer. The manager may also activate a selection to obtain system information from the server (col. 12, lines 8 – 16). For example, online help is available in Microsoft Windows 98 when users presses F1 key.

Also, it is known at the time of invention that businesses put Frequently Asked Questions (FAQ) on the system to minimize customer enquiry calls and save cost.

Regarding claims 23 and 31, Gale et al. disclose that the manager may view any of a number of reports regarding his rental units. For example, a lease analysis/expiration report may be provided which provides an overview of the rental status of his units. The report may indicate a number of vacant as well as occupied units. A vacancy report may be provided as well as a notices report. The vacancy report, notices report and unit management report may be used by the manager as a measure of the performance of local building managers (col 11, lines 12 – 41).

Regarding claims 27 – 28, Gale et al. discloses to store information about residents (FIG. 13), Property (FIG. 14 - 16), Owner (FIG. 17), Billin (FIG. 18) etc.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 4, 8, 14, 16, 19 – 20, 29 – 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gayle et al. US Patent 6,334,107.

Regarding claim 2, Gale et al. does not disclose input device. However, Gale et al. discloses that users can select atleast one of the options. Therefore, it is obvious that Gale et al. apparatus has input means to enable user to make selection (abstract).

Regarding claim 4, Gale et al. discloses apparatus (computing device) and modem. Gale et al. does not differentiate type of computing device. However, it is obvious that the user may select computing device that meet their requirements and preferences. For example, the user may select laptop or a desktop computer, modem

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for communication which can be wired modem (telephone, cable, DSL etc.), or, the modem may be a wireless modem (cellular, satellite etc.).

Regarding claims 8, 14, 19, 29 Gale et al. does not disclose to transmit notification message when a third party accesses the information. However, Gale et al. discloses that the access application compares the identifiers against a number of known authorized identifiers (e.g., passwords). When a match is found, the CPU grants access by the manager, but only to a predetermined set of files (col. 4, lines 16 – 22). Also, it is known at the time of invention that in an online system, the system administrator is informed when there is an unauthorized use by a user. In addition, in the systems which requires users to identify themselves before accessing the system, their identification may be used to track their access to information. Therefore, it is known at the time of invention to a person with ordinary skill in the art to send notification when a third party accesses the information to generate the billing for the information. For example, Thomson Corporation's online-based information services "Dialog" (www.dialog.com) which requires customers to provide ID and Password, and bill the customer for the usage of their system.

Regarding claim 16, Gale et al. does not disclose to have package delivery information. However, Gayle et al. discloses that the search engine may return an

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identifier of the retailer and an embedded hyperlink to the retailer. The user may then select the retailer and, in turn, be routed to the retailer's website (col. 1, lines 27 – 30). Also, it is known at the time of invention that package delivery companies like United Parcel Service, FedEx etc. provide online access over the internet to its customers to track the shipment. Also, it is known at the time of invention that icon for shipper's URL can be added on user's computer (Microsoft Windows 98 has this feature). Therefore, it is known at the time of invention to allow users to use the computer system to provide package delivery information save time by providing online access for users to track their shipment (user does not have to call the package delivery company to check the status of their package).

Regarding claims 20 and 30, Gale et al. does not disclose system to receive information from a security device. However, it is known at the time of invention to a person with ordinary skill in the art that property owners or lease holders may want to restrict the access to the property to authorized people only. Property owners may hire security guards, key lock, combination lock, badge access (smart card, magnetic card etc.), finger print etc. Therefore, it is known at the time of invention to a person with ordinary skill in the art receive information from a security to secure the property from unauthorized use. For example, research labs, boarding gates at airports, scanning of eyes (seen in James Bond 007 movie) etc.

Claims 18, 25, 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gayle et al. US Patent 6,334,107 over Yardi Systems, Inc. hereinafter known as Yardi.

Regarding claim 18, Gale et al. does not disclose payroll information. Yardi provides property and management software systems for single to multi-family residential units, commercial and maintenance management. Yardi discloses to have payroll module for employee payroll and allocate payroll related cost back to individual properties. Therefore, it is known at the time of invention to a person with ordinary skill in the art to have payroll information to automate journal entries and post employee cost to the individual properties to determine profit and loss for the managed properties.

Regarding claims 25 and 32, Gale et al. does not disclose linking information between various properties. However, Yardi discloses to provide system for multiple spaces per tenant. Therefore, it is known at the time of invention to a person with ordinary skill in the art to linking information between various properties to have the customer make only one rental payment for all the spaces leased. For example, for accounting purposes, a business may have leased several office spaces in different

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buildings, and, may want to make one monthly payment to the landlord or the property manager.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

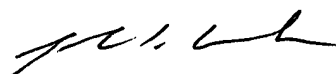
1. Information on Cawley International.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Naresh Vig whose telephone number is 703.305.3372. The examiner can normally be reached on M-F 7:30 - 5:00 (Alt Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on 703.308.2702. The fax phone numbers for the organization where this application or proceeding is assigned are 703.305.7687 for regular communications and 703.305.7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703.305.3900.

September 18, 2002


JOHN G. WEISS
SUPERVISORY PATENT EXAMINER
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